



Metropolitan King County Council Committee of the Whole

Agenda Item: _____

Date: February 7, 2005

Proposed No: 2004-0519

Prepared By: Rick Bautista

STAFF REPORT

SUBJECT: AN ORDINANCE relating to temporary use permits for homeless encampments.

BACKGROUND:

On June 14, 2004, the King County Council established the Citizens' Advisory Commission on Homeless Encampments to explore issues of homelessness and the use of emergency encampments as temporary shelters.

The 22 member Commission was charged with developing recommendations on four specific topics:

- A needs assessment for homeless encampments;
- Policy and procedural guidelines for determining the location of future homeless encampments;
- Options for locating homeless encampments on public land in King County; and
- Options for locating homeless encampments on private land in King County.

The Commission held seven meetings, including two community meetings.

On September 7, 2004 the Commission briefed the King County Council on the Commission's findings. The Council adopted Motion 11991 directing the King County Executive to submit policies and procedures for locating and permitting homeless encampments.

On October 29, 2004, the Executive transmitted Proposed Motion 2004-0518 and Proposed Ordinance 2004-0519 in response to the Motion 11991.

SUMMARY:

Proposed Ordinance 2004-0519 is companion legislation to Proposed Motion 2004-0518 and generally reflects the land use policies and procedures articulated in that proposed motion and would apply to homeless encampments on privately-owned lands located in unincorporated King County.

The proposed ordinance amends the King County Code (KCC) chapters 20.20 (Planning) and 21A.32 (Zoning Code) to establish a process and approval criteria for temporary use permits, as follows:

Section 1. Amends KCC 20.20.020 to classify a temporary use permit for a homeless encampment as a type 1 land use permit decision. Type 1 land use decisions are made by the director of the Department of Development and Environmental Services (DDES). There is no administrative appeal to the King County Hearing Examiner but the decision may be appealed to the court system. NOTE: All temporary use permits are currently reviewed as a Type 2 land use decisions, wherein the DDES decision may be appealed to the Hearings Examiner.

Section 2. Amends KCC 21A.32.120.B relating to the duration of general temporary use permits to add the phrase "except as otherwise provided in this chapter." NOTE: All temporary use permits currently are valid for no more than 60 days.

Section 3. Adds a new section to KCC chapter 21A.32 that specifically addresses homeless encampments. A temporary use permit may be granted for the purpose of providing housing for homeless people only if the application is consistent with the following standards, as well as, additional conditions on the permit imposed by DDES to assure compliance with county policies, ordinances and other applicable laws and regulations:

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Pre-Application Community Meeting

- A community meeting must be convened by the applicant and any sponsoring agency before submitting an application for a temporary use permit.
- At least 2 weeks before the community meeting the applicant must provide a meeting notice to the following:
 - Mailed to DDES and the Unincorporated Area Council serving the area in which the site is located;
 - Mailed or hand-delivered to all property owners within 500 feet of the site or to at least 20 of the nearest property owners, whichever is the greater number.
- The community meeting notice must include:
 - The date and location of the meeting;
 - Name of the applicant, name of the property owner if different from the applicant, and name of the agency sponsoring the encampment, if any;
 - Brief description of the proposed encampment including start and end dates, number of people and layout plans if known;
 - Contact name and telephone number for additional information; and
 - Any other information that DDES requires.
- A representative of DDES must attend the meeting.

Application Requirements

- The application must identify the name of the applicant and any agency that is sponsoring the homeless encampment.
- A written agreement to use the site if the applicant is not the owner of the property.
- The application must include a record of the published meeting notice, a list of meeting attendees and those receiving notice.
- The applicant is "encouraged" to note any changes to the conceptual information from that which was presented to the public at the community meeting.

DDES Notice of Application

- When the application for a temporary permit is filed, DDES must provide notice of the application to:
 - Property owners within 500 feet of the proposed site.
 - The local Unincorporated Area Council.
- In rural or lightly inhabited areas the notice area will be expanded to include at least 20 property owners.

Duration and Size Limits

- The encampment may be approved for up to 90 consecutive days.
- The total population of the homeless encampment is limited to 100 residents at any one time.

Location and Site Design Requirements

- The site for the homeless encampment must be located within one quarter mile of a public transportation stop with service available on weekdays and weekends or the applicant must demonstrate the ability to obtain access to public transportation.
- The homeless encampment must be setback at least 20 feet from the street and interior lot lines, except for the access road.
- Views of the homeless encampment from the lot line must be obscured by:
 - Sufficient established vegetation, or
 - A 6 foot high fence.

STRIKING AMENDMENT:

The staff report includes a striking amendment jointly sponsored by council members Edmonds and Hague. While essentially reflecting the direction taken in the Executive proposal, the striking amendment proposes the following additional revisions:

- Requires a minimum of 30 days between the date of the notice for the pre-application community meeting and approval of a permit.
- Does not allow location on same site within a 24 month period.
- Specifies that the approval period includes setup and dismantling time.
- Increases distance from public transportation from ¼ mile to ½ mile.
- Provides an example to clarify how an applicant can “demonstrate ability to obtain access to public transportation”.
- Starting in 2006, limits stays to 60 days and residents to 75, unless part of multiple-site application or if there is an agreement for future use of another site.
- Includes specific references to policies adopted in Proposed Motion 2004-0518.
- Authorizes consideration of court decisions when establishing conditions of approval.
- Provides notice to affected homeowners associations, if any, when no UAC represents area.
- On January 1, 2015, sunsets several sections of the ordinance and prohibits homeless encampments in unincorporated King County.
- Adds provision directing the executive to review these standards after the first 12 months.

ATTACHMENTS:

1. Striking Amendment to Proposed Ordinance 2004-0519
2. Proposed Ordinance 2004-0519